

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, December 21, 2009 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Gene Davis
Sen. Brent H. Goodfellow
Sen. Mark B. Madsen
Pres. Michael G. Waddoups
Rep. James R. Gowans
Rep. Rebecca D. Lockhart
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Oda called the meeting to order at 9:10 a.m.

MOTION: Sen. Goodfellow moved to approve the minutes of the December 8, 2009 meeting. The motion passed unanimously. Sen. Davis and Rep. Moss were absent for the vote.

2. R277-470-15 Satellite School for Approved Charter Schools

Sen. Stephenson introduced the issue.

Mr. Howard Headlee, Board Chair, American Preparatory Schools, expressed the board's intention to open satellite campuses. In light of these plans, the board is concerned about the three satellite campus limit currently set in rule.

Dr. Larry Shumway, State Superintendent of Public Education, and Dr. Martell Menlove, Deputy Superintendent of Public Education, responded to committee members' questions.

Mr. Brian Allen, Chair, State Charter School Board, briefed the committee on the history of the rule. He said that limiting the number of satellite campuses has to do with the number of parents elected to serve on the board and the way the ratios between governing board members and elected parents would change if there were an unlimited number of satellites allowed.

The Committee took no action on the issue.

3. 2010 General Session draft legislation, "Department of Human Services - Review and Oversight"

Staff distributed 2010 General Session draft legislation, "Department of Human Services - Review and Oversight."

Rep. Lockhart reviewed changes made to the provisions in the bill.

Rep. Lockhart and Ms. Susan Eisenman, Assistant Attorney General, responded to committee members' questions.

Chair Oda asked that the bill be presented at the next meeting with changes.

4. Use of "Liberally Construed" in Statute and Administrative Rule

Mr. Hunsaker distributed and commented on "Agency Rule's Use of 'Liberally Construed' Linked to a Statute" and "Use of 'Liberally Construed' in Utah Statute."

Mr. Paul McConkie, Assistant Attorney General, assigned to the Department of Environmental Quality, commented on the use of this language.

5. Committee Business

The next meeting was scheduled for January 11, 2010, at 9:00 a.m.

6. Adjourn

MOTION: Rep. Lockhart moved to adjourn the meeting. The motion passed unanimously. Rep. Moss was absent for the vote.

Chair Oda adjourned the meeting at 10:49 a.m.